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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,387	01/18/2000	Leonard H. Lopez, Jr.	1036.1124	3104
7590	10/20/2004		EXAMINER	
Charles W. Hanor P.C. P.O. Box 91319 San Antonio, TX 78209			ZURITA, JAMES H	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/487,387	LOPEZ, JR., LEONARD H.
	Examiner	Art Unit
	James H Zurita	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 July 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 18 January 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 22 July 2004 amended claims 1, 3-11, 13, 16 and 21.

Claims 1-24 are pending and will be examined.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the Order processing interface (claims 1, 7, 8, 9, 10, 13, 16) and profile management interface (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1, 7, 8, 9, 10, 13, 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The disclosures do not describe the Order processing interface (claims 1, 7, 8, 9, 10, 13, 16) and profile management interface (claim 1).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-5 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to relate to Figs. 6 and 7.

Claim 4 states that "...user-indicative information includes the user's name and title." The specifications label a title as company-indicative information, as in page 4, line 18-page 5, line 2. Claim 4 refers to title as user-indicative information.

Claim 5 states that "...requestor interface does not enable the user to modify at least a portion of the company-indicative information of said selected predetermined

profile. The accompanying description of Fig. 6 and 7 state that the requestor interface enables a user to modify at least a portion of company-indicative information, such as items 81 and 82, title and address via pull-down menus.

Claims 1, 5 and 21 refer to various actions that a user is not enabled to perform by applicant's "requestor interface":

- [requestor interface]... does not enable the user to modify the typography of any information to be printed on the business card or stationery product. Claim 1
- requestor interface does not enable the user to modify at least a portion of the company-indicative information of said selected predetermined profile. Claim 5.
- [requestor interface],,,does not enable the user to define or modify the organization-identifying information content to be printed on the stationery product. Claim 21

The Examiner notes that the specifications do not describe "...organization-identifying information..." of claim 21. For purposes of this examination, the term will be interpreted to refer to "...company-indicative..." information.

The accompanying description of Figs. 6 and 7 state that a "requestor interface" enables a user to modify at least a portion of company-indicative information, such as items 81 and 82, title and address via pull-down menus. It is not clear which actions are permitted and not permitted to each of the actors in applicant's disclosures.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Laverty et al. (US 6791707)*** in view of ***ImageX.com SEC filing*** of 12 May 1999, downloaded from the Internet on 15 October 2004.

Laverty discloses an automated print order system for institution business cards and stationary products comprising:

(a) *product records* comprising a template that defines placement and typography of plurality of elements printing on a company-tailored business card or stationery product.

See, for example, at least Fig. 6 and related text.

(b) One or more profile with informational elements that include details (user-indicative and company-indicative) that define the content for the elements provided by a template. See at least references to layout, at least Col. 2, lines 30-40. See also references to templates, as in Fig. 31 and related text.

(c) Internet accessible interfaces, including Interface(s) for specifying and modifying company-indicative content of the profiles. See, for example, Col. 6, lines 60-67.

(d) Interface(s) that enable a user to

(d.1) select one or more profile to select company-tailored business card or stationery product to be printed according to company-tailored prototypical product record and the profile. See at least Fig. 6 and related text.

(d.2) submit a print order for the selected company-tailored business card or stationery product. See at least Fig. 4 and related text.

(e) interface(s) for fulfillment of a user's print order, said interface being adapted to directly generate a pre-press product automatically incorporating said predetermined profile into the tailored product. See at least references to prepress modules and parameters, as in the Abstract, section entitled Prepress Software Applications, at least Col. 6, lines 1-57.

Laverty does not disclose, as in claim (d.3) that an interface enables or does not enable a user to modify the typography of any information to be printed on the business card or stationery product. SEC Filing discloses control and password protected online printing center where authorized customer employees can individually modify, proof, procure and manage a wide variety of printed business materials within the centralized parameter and present rules established by the customer. See, for example, S-1 page 9 of 123,

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Laverty and SEC filing to disclose that an interface enables or does not enable a user to modify the typography of any information to be printed on the business card or stationery product.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Laverty and SEC filing to disclose that an interface enables or does not enable a user to modify the typography of any information to be printed on the business card or stationery product for the obvious reason that it is important to maintain references for standard corporate design for printed matter. A company's image may be reflected by its graphic art for items such as logos and trademarks. It would therefore be important to restrict typography selections to overall corporate control parameters.

Laverty and SEC Filing do not use the labels prototypical product record, user-indicative and company-indicative, profile management interface, requestor interface, order processing interface. However, the labels applied to various actors, nodes,

interfaces, etc., are not functionally related to the substrate of the article of manufacture. Thus, this descriptive material does not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply a label to various actors and modules in a system such as *Laverty* and *Sec Filing* because such labels do not functionally relate to the substrate of the article of manufacture and merely labeling the data differently from that in the prior art would have been obvious. See *Gulack* cited above.

Laverty and *Sec Filing* do not classify various functions according to applicant's most recent redistribution of functions among various interfaces, such as processor interface, a purchaser interface and a requestor interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to classify various functions according to various interface(s), such as processor interface, a purchaser interface and a requestor interface, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

One of ordinary skill in the art at the time the invention was made would have been motivated to classify various functions according to various interface(s), such as processor interface, a purchaser interface and a requestor interface, for the obvious reason that it is important to design a system and assign functions according to who (which actors) will be performing particular functions and provide various interfaces to facilitate use of the computer.

Laverty and SEC filing do not specifically disclose that titles may be selected from pull-down menus. It is well known that HTML objects include menus and buttons. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Laverty and SEC filing to disclose that an interface may include pull-down menus, including pull-down menus for titles.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Laverty and SEC filing to disclose that an interface may include pull-down menus, including pull-down menus for titles for the obvious reason that it is important to standardize titles in a company, so that persons who come in contact with employees can be more aware of an employee's roles and responsibilities.

Response to Arguments

Applicant's arguments filed 22 July 2004 have been fully considered

Applicant's arguments concerning rejection under 35 USC 101 are persuasive; the rejection is removed.

In response to applicant's arguments found on page 9 of his amendment, the Examiner notes the following:

Applicant's arguments concerning King and Artledge are moot in view of new grounds for rejection and new references.

Applicant relies on page 10, lines 2-4 and page 11, lines 4-7 to support claim 1's new limitation "...the requestor **interface** does not enable the user to modify the typography of any information to be printed on the business card or stationery

product..." The Examiner respectfully notes that the cited sections fail to describe any actions of a user, any type of *interface*, as claimed

...publishing staff then generates a prototypical product record for each product to be made available through the system 53. This record, or template, comprises the complete typography of each product, including all *tracLaverty*, kerning, text adjustment, graphics placement and like information. As will be better understood further herein, the prototypical records should be generated in a software directly compatible with the pre-press product to be used in fulfillment of the customer's print orders - in the preferred embodiment, a direct-to-plate *platemaLaverty* system... *page 10, lines 1-7*

Although those of ordinary skill in the art will recognize that the data from a database created according to these fields could be flowed directly to the electronic publishing application for merger with the prototypical product records, it is preferred that a script program be generated 54 to handle formatting and graphics importation as an intermediate, albeit fully 25 automated, process. The provision of such a script program ensures that the business cards and/or stationery products will invariably be produced according to company specification regardless of font type or size, and the like, utilized in filling the database tables. In the preferred embodiment of the present invention, Applicant has implemented such a script program with the trademark "XDATA" extension to the Quark product, commercially available from Em Software, Inc. of Steubenville, Ohio. Although those of ordinary skill in the art will recognize many substantial equivalents, the "XDATA" product is widely compatible with many standard database and spreadsheet applications and is specifically adapted for compatibility with the implemented trademark "QUARK XPRESS" application. *Page 11, lines 1-13*

Applicant relies on page Fig. 6, page 12, lines 10-14, page 13, lines 11-13, page 14, lines 9-15, 21-22 and page 15, lines 4-6 to support his new limitations of claims 5 and 6. The Examiner respectfully notes that the cited sections do not disclose the new limitations:

can be made effective on a date certain within all outstanding orders. As also shown in Figure 5, product identifiers 61, stored in the "products" table 66 and authorized titles 67, stored in the "titles" table 68, are flowed into the various other tables as selectable only inputs. In this manner, only those products for which a prototypical record have been developed and only those titles authorized by the company can be selected by a *user* requestor. *Page 12, lines 10-14, emphasis added*

77 and/or supervisor name 78. It is noted that information such as the *user's* title 79 and address 80 are selected from drop-down menus 81, 82, thereby ensuring company control of authorized titles and address format, as will be better understood further herein. Finally, upon saving of the profile 73, a "last updated" date 83 is noted for communication to the company purchasing agent. *Page 13, lines 11-14, emphasis added*

As shown in Figure 10, the local office or service center representative is provided with similar functionality for ordering 47b general stationery or business card products. Although the 5 order placement process 93 and status review functions 94 are virtually

identical to those made available to the individual *user* and the representative may view the local office profile 95, *it is noted that the local office level representative does not have the ability to modify the office profile*. In this manner, print orders are not disrupted by miscommunication and/or disagreement among remote personnel. *Page 14, lines 9-15, emphasis added*

As shown in Figure 12, the company purchasing agent is the preferred level of control over the authorized titles list and the content of the service center profiles. The purchasing agent can add, edit or remove titles 99 and can create 100, modify 101 or remove 102 center profiles. *page 14, lines 20-23, emphasis added*

...is prevented from upsetting the entire order process. On the other hand, some of the company data, but not necessarily all of the company data, is incorporated into the "users" table 64 by 25 reference only. For example, the service center address 103 may find its way into an order... *page 15, lines 4-6, emphasis added*

Applicant appears to argue that his disclosures selectively restrict a user's ability to modify company-indicative information or select titles through the user requestor interface. Applicant appears to claim patentable distinctions based on which interface is used to perform various functions, and on the name applied to a particular interface.

The Examiner notes that applicant appears to have redistributed functions among the various interfaces. Prior to the current amendment, the claims referred only to a processor interface, a purchaser interface and a requestor interface. The current amendment distributes functions among an order processing interface, a processor interface, a profile management interface and a requestor interface. For example:

Previously, the server site hosted the processor interface, the purchaser interface and the requestor interface. Amended claim 11 recites that a server site hosts only the requestor interface and the order processing interface.

Previously, the purchaser interface and the requestor interfaces were "...accessible from any operable node from the World Wide Web." Amended claim 13 recites that only the order processing interface is "...accessible from any operable node from the World Wide Web."

Applicant purports to traverse Examiner's use of definitions and Official Notice.

Applicant's arguments are not persuasive for reasons stated in prior office actions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita
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Art Unit 3625
15 October 2004


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